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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,901	12/24/2003	Masatoshi Kimura	1341.1170	9193
79326	7590	07/01/2009		
Fujitsu Patent Center C/O CPA Global P.O. Box 52050 Minneapolis, MN 55402			EXAMINER WASEL, MOHAMED A	
			ART UNIT 2454	PAPER NUMBER
			MAIL DATE 07/01/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/743,901

**Applicant(s)**

KIMURA ET AL.

**Examiner**

MOHAMED WASEL

**Art Unit**

2454

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Response to Amendment**

This action is responsive to amendment filed on March 18, 2009. Claims 1-9 have been canceled. Claims 10-16 have been newly added. Claims 10-16 are pending and presented for examination.

### **New Ground(s) of Rejection**

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang, US Patent

Application Pub. No. 2003/0009537.

1. As per claim 10, Wang teaches an access control system (**Fig. 2**) comprising:
  - a first information processing apparatus connected to a first storing unit (**Paragraph [0074], Fig. 2, element 105 "PC"**); and
  - a second information processing apparatus connected to the first storing unit or a second storing unit (**Paragraph [0080], Fig. 2, element 116 "Proxy"**), wherein the first information processing apparatus includes:
    - an access control unit that allocates an access request to either one of a first access not passing through the second information processing apparatus to the first storing unit and a second access passing through the second information processing apparatus to the first storing unit or the second storing unit (**Paragraph [0083], [0119]**);

a first cache unit that temporarily stores the access request allocated to the second access  
(**Paragraph [0186]**); and

a communication control unit that controls communication with the second information processing apparatus to transmit the access request stored in the first cache unit sequentially to the second information processing apparatus (**Fig. 2, Paragraph [0074]**), and the second information processing apparatus includes:

a second cache unit that temporarily stores the access request transmitted by the communication control unit (**Paragraph [0080]**); and

a control unit that controls access to the first storing unit or the second storing unit according to the access request stored in the second cache unit in parallel with receiving a new access request from the communication control unit (**Paragraph [0081]**).

2. As per claim 11, Wang teaches the access control system according to claim 10, wherein the access control unit allocates the access request to the second access, when the second information processing apparatus is in a normal power mode (**Paragraph [0171]**).

3. As per claim 12, Wang teaches the access control system wherein the access control unit allocates the access request to the second access, when an idle capacity of the first storing unit is less than a threshold value (**Paragraph [0286]**).

4. As per claim 13, Wang teaches the access control system further comprising:

a switching unit that is provided between the first storing unit and both the first information processing apparatus and the second information processing apparatus, and connects the first storing unit and either one of the first and second information processing apparatus, wherein the access control unit allocates the access request to the second access, when the first storing unit is connected to the second information processing apparatus by the switching unit (**Fig. 2, Paragraph [0074]**).

5. As per claim 14, Wang teaches a gateway card that is connected to an information processor and that allows transfer of data between different networks (**Fig. 2**), comprising:

a switching unit that switches a connection between a storing unit and either one of the gateway card and the information processor (**Abstract, Paragraph [0013], [0016]**);

an access control unit that allocates an access request to either one of a first access not passing through the information processor to the storing unit and a second access passing through the information processor to the storing unit based on the connection switched by the switching unit (Paragraph [0083], [0119]);

a cache unit that temporarily stores the access request allocated to the second access (Paragraph [0186]); and

a communication control unit that controls communication with the information processor to transmit the access request stored in the cache unit sequentially to the information processor (Fig. 2, Paragraph [0074]).

6. Claims 15 and 16 are rejected under the same rationale as claim 10.

#### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Wasel whose telephone number is (571) 272-2669. The examiner can normally be reached on Mon-Fri (8:00 am - 5:30 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohamed Wasel/  
Patent Examiner, Art Unit 2454  
June 18, 2009

/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2454